

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: April 21, 2004

Division: Growth Management

Bulk Item: No X

Department: Planning & Env. Resources

AGENDA ITEM WORDING: A public hearing to adopt an ordinance creating Section 9.5-21(i), Monroe County Code, authorizing the Board of County Commissioners to adopt by resolution, fees to be charged by the Monroe County Growth Management Division for land development applications, permits, approvals, appeals, and deleting Sections 9.5-491(A), 9.5-492(c), 9.5-493(c), 9.5-494(b), 9.5-495(b), that imposed fair share impact fees for development and Section 9.5-522, for filing fees. [One public hearing only required.]

ITEM BACKGROUND: Impact fees were established by resolution beginning in 1989 with changes in 1992 & 1993. At the time the newer impact fee schedules were established, the previous fees, adopted by Ordinance, in the LDR's were not deleted. This amendment removes those older fees that are no longer applicable. Filing fees for Map Amendments and Appeals were included in the original adoption of the LDR's, they no longer reflect the cost. The Planning Commission after three public hearings, voted three to two, to not recommend the proposed amendment to the BOCC and continue to request the fees be set through Ordinance with Planning Commission and DCA review.

PREVIOUS RELEVANT BOCC ACTION: Impact fees were established by resolution in 1989, with changes in 1992 & 1993; filing fees were first adopted by resolution in 1992 and amended in 2003.

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS: Approval

TOTAL COST: N/A

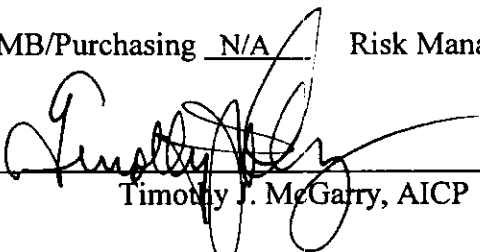
BUDGETED: Yes No N/A

COST TO COUNTY: N/A

REVENUE PRODUCING: Yes No X **AMOUNT PER MONTH** **Year**

APPROVED BY: County Atty X OMB/Purchasing N/A Risk Management N/A

DIVISION DIRECTOR APPROVAL:


Timothy J. McGarry, AICP

DOCUMENTATION: Included X To Follow Not Required

DISPOSITION:

AGENDA ITEM # U2


KMC
Planning Director

**AMENDMENT TO THE MONROE
COUNTY LAND DEVELOPMENT
REGULATIONS**

Board of County Commissioners
Meeting ~ Key West
April 21, 2004

PROPOSED AMENDMENT TO MONROE COUNTY LAND DEVELOPMENT REGULATIONS

AN ORDINANCE AMENDMENT TO MONROE COUNTY LAND DEVELOPMENT REGULATIONS BY CREATING SEC. 9.5-21(i) AUTHORIZING MONROE COUNTY BOARD OF COUNTY COMMISSIONERS TO ESTABLISH BY RESOLUTION, FEES TO BE CHARGED BY THE MONROE COUNTY GROWTH MANAGEMENT DIVISION FOR LAND DEVELOPMENT APPLICATIONS, PERMITS, APPROVALS, AND APPEALS, DELETING SEC. 9.5 491(a) FAIR SHARE TRANSPORTATION IMPACT FEE; SEC. 9.5-492 (c) FAIR SHARE COMMUNITY PARK IMPACT FEE; SEC. 9.5-493(c) FAIR SHARE LIBRARY IMPACT FEE; SEC. 9.5-494(b) FAIR SHARE SOLID WASTE IMPACT FEE; SEC. 9.5-495(b) FAIR SHARE POLICE FACILITIES IMPACT FEE; AND SEC. 9.5-522 FILING FEES FOR MAP PETITIONS AND ADMINISTRATIVE APPEALS WHICH DO NOT REFLECT THE PRESENT IMPACT FEES AND FILING FEES ADOPTED BY MORE RECENT RESOLUTIONS OF THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

Land Development Regulations Text Amendment

Staff Report	Approval	January 15, 2004	Staff
DRC #D04-04	Approval	January 15, 2004	Resolution
PC #P04-04	Approval	March 24, 2004	Resolution

Board of County
Commissioners Ordinance

ORDINANCE NO. -2004

AN ORDINANCE AMENDMENT TO MONROE COUNTY LAND DEVELOPMENT REGULATIONS BY CREATING SEC. 9.5-21(i) AUTHORIZING MONROE COUNTY BOARD OF COUNTY COMMISSIONERS TO ESTABLISH BY RESOLUTION, FEES TO BE CHARGED BY THE MONROE COUNTY GROWTH MANAGEMENT DIVISION FOR LAND DEVELOPMENT APPLICATIONS, PERMITS, APPROVALS, AND APPEALS, DELETING SEC. 9.5-491(a) FAIR SHARE TRANSPORTATION IMPACT FEE; SEC. 9.5-492 (c) FAIR SHARE COMMUNITY PARK IMPACT FEE; SEC. 9.5-493(c) FAIR SHARE LIBRARY IMPACT FEE; SEC. 9.5-494(b) FAIR SHARE SOLID WASTE IMPACT FEE; SEC. 9.5-495(b) FAIR SHARE POLICE FACILITIES IMPACT FEE; AND SEC. 9.5-522 FILING FEES FOR MAP PETITIONS AND ADMINISTRATIVE APPEALS WHICH DO NOT REFLECT THE PRESENT IMPACT FEES AND FILING FEES ADOPTED BY MORE RECENT RESOLUTIONS OF THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The impact fees established in Sec. 9.5-491(a) Fair share transportation impact fee; Sec. 9.5-492 (c) Fair share community park impact fee; Sec. 9.5-493(c) Fair share library impact fee; Sec. 9.5-494(b) Fair share solid waste impact fee; and Sec. 9.5-495(b) Fair share police facilities impact fee were adopted by resolutions of the Monroe County Board of County Commissioners in 1989; and

WHEREAS, these fees do not reflect the present day fees that were established by more recent 1992 and 1993 resolutions of the County Commission; and

WHEREAS, at the time that the newer impact fee schedules were established, the previous fees were inadvertently not deleted; and

WHEREAS, this deletion removes those older fees that are no longer applicable; and

WHEREAS, Sec.9.5-522. Filing fees for map petitions and administrative appeals were adopted by ordinance of the Board of County Commissioners in 1987; and

WHEREAS, These fees were revised and adopted by resolution of the Board of County Commissioners in 2003; and

WHEREAS, the Sec. 9.5-522 was inadvertently not deleted; and

WHEREAS, the proposed text change was reviewed and **APPROVED** at the DRC public meeting of January 15, 2004; and

WHEREAS, this text change was reviewed and **APPROVED** at the PC public hearing of January 28, 2004 and **APPROVED** at the public hearing of February 11, 2004;

WHEREAS, Staff finds that the proposed change is consistent with Section 9.5-511(d)(5) b. (iv) New Issues and (V) Recognition of a need for additional detail or comprehensiveness; and

WHEREAS, Staff finds that the proposed change is consistent with the goals of the Monroe County Year 2010 Comprehensive Plan; and

WHEREAS, the Monroe County Board of County Commissioners was presented with the following evidence, which by reference is hereby incorporated as part of the record of said hearing;

1. Staff report prepared on January 29th, 2003 by Fred Gross, Island Planning Team Director.
2. Proposed change to the Monroe County Land Development Regulations.
3. The sworn testimony of the Growth Management Staff.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, that the preceding findings of fact support their decision to recommend **APPROVAL** to the Monroe County Planning Commission of the following amendments to the text of the Monroe County Land Development Regulations as requested by the Monroe County Planning Department:

~~Strike through text~~ is deleted.

Underlined text is new.

Section 1.

Section 9.5-21. Board of County Commissioners

- (i) To establish, by resolution, a schedule of fees to be charged by the Growth Management Division (GMD) to persons filing land development permit applications, land development approval applications, and land development order applications however styled, and any land development order appeal however styled. In establishing the fee amounts, the GMD Director shall present evidence to the Board of the cost incurred by the GMD in staff time.

and material expended, that are usually required to review the particular item that is the subject of the proposed fee. The general administrative and operational overhead of the GMD may not be included in the fee amount. While mathematical exactitude is not required, no fee adopted by the Board pursuant to this subsection may be in excess of the amount reasonably supported by the evidence submitted by the GMD Director regarding the staff time incurred, and material expended, usually required for the review of the particular item that is the subject of the proposed fee. Any fee resolution considered by the Board pursuant to this subsection must be heard by the Board at a time certain public hearing with public notice provided in the same manner as the public notice required for the adoption of an ordinance under Sec. 125.66(2)(a), FS. At the public hearing, members of the public must be afforded an opportunity to comment on the proposed fees. The fees established shall generally be nonrefundable; provided, however, the Board may approve a refund of up to fifty (50) percent of the fee upon good cause shown by the applicant and a recommendation from the GMD Director that the refund will not result in GMD staff time costs or material costs already expended going unreimbursed.

Section 2.

Sec. 9.5-491. Fair share transportation impact fee.

- (C) *Establishment of Fee Schedule:* Any person who shall initiate any new land development activity generating traffic, except those preparing a traffic impact analysis pursuant to subsection (d) of this section, shall pay, prior to the issuance of a certificate of occupancy, a fair share transportation fee as established by the following schedule: resolution of the Board of County Commissioners.

Single-family	\$1,610.00
Multifamily	\$1,415.00
Mobile home	\$ 638.00
Hotel, per room	\$1,744.00
Motel, per room	\$1,744.00
Medical office, per 1,000 sq.ft	\$2,315.00
Banking, per 1,000 sq.ft	\$3,716.00
Other office, per 1,000 sq.ft	\$1,822.00
Warehouse, per 1,000 sq.ft	\$ 568.00
Retail, per 1,000 sq.ft., under 50,000 sq.ft	\$1,235.00
Retail, per 1,000 sq.ft., 250,000 sq.ft. and over	\$1,357.00
Recreational, campground, per space	\$1,600.00
Marina, per berth	\$ 715.00

RV park, per space \$1,732.00

Section 3.

Sec. 9.5-492. Fair share community park impact fee.

(c) Fair Share Park Fee To Be Imposed on New Residential Land Development Activity: Payment of fair share fee prior to issuance of certificate of occupancy: Any person who shall receive a certificate of occupancy for any new residential land development activity that places an increased demand on the county's community park facilities shall pay a fair share park fee as ~~follows:~~ established by resolution of the Board of County Commissioners.

Land Use Type	Fee
Permanent residential unit	\$128.40
Transient residential unit	107.00

Section 4.

Sec. 9.5-493. Fair share library impact fee.

(c) Fair Share Library Fee To Be Imposed on New Residential Land Development Activity:

- (1) *Payment of fair share fee prior to issuance of certificate of occupancy:* Any person who shall receive a certificate of occupancy for any new residential land development activity that places an increased demand on the county's library facilities shall pay a fair share library fee as ~~follows:~~ established by resolution of the Board of County Commissioners.

~~Land Use Type~~

Residential unit ~~_____~~ \$190.00

SECTION 5.

Sec. 9.5-494. Fair share solid waste impact fee.

- (b) *Fee Schedule:*

(1) Prior to the issuance of a certificate of occupancy, all land development, except for applicants who opt to make their own independent calculation, shall pay a fair share solid waste fee, as established by ~~the following temporary fee schedule:~~ resolution of the Board of County Commissioners.

Permanent residential unit, per unit	\$65.04
Transient residential unit, per unit	54.18
Marina, per berth	25.80
Medical, banking and other office, per 100 square feet	6.45
Warehouse/wholesale, per 100 square feet	12.90
Restaurant (including fast food), per 100 square feet	22.58
Supermarket/convenience store, per 100 square feet	58.05
Retail under 100,000 square feet, per 100 square feet	25.80
Retail over 100,00 square feet, per 100 square feet	32.25

~~This fee schedule shall be reviewed and revised by the board of county commissioners within six (6) months of the effective date of the plan based upon a study and recommendation by the director of planning.~~

SECTION 6.

Sec. 9.5-495. Fair share police facilities impact fee.

(b) Fair Share Police Facilities Fee To Be Imposed on New Residential Land Development Activity:

- (1) Fee: Any person who shall initiate any new land development activity generating a need for police facilities except for those applicants who prepare a police facilities impact analysis pursuant to paragraph (2) of this subsection, shall pay, prior to the issuance of a certificate of occupancy, a fair share police facilities fee as established by ~~the following temporary fee schedule:~~ resolution of the Board of County Commissioners.

Permanent residential unit, per unit	\$102.38
Transient residential unit, per unit	85.32
Nonresidential, per 1000 square feet	136.50

~~This fee schedule shall be reviewed and revised by the board of county commissioners within six (6) months of the effective date of the plan based upon a study and recommendation by the director of planning.~~

Section 7.

Sec. 9.5-522. Filing fees for map petitions and administrative appeals. Reserved.

~~The following filing fees are hereby established pursuant to this chapter:~~

~~(a) For any proposal by a landowner or person having a contractual interest in property desiring to petition the board of county commissioners for an amendment to the land use district map \$250.00~~

~~(b) Any person filing an appeal from an administrative interpretation or decision by any administrative official with respect to the provisions of this chapter and/or the comprehensive land use plan 250.00~~

~~(Ord. No. 22-1987, § 1)~~

Section 8. If any section, subsection, sentence, clause, item, change, or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such validity.

Section 9. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 10. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 11. This ordinance shall be transmitted by the Planning Department to the Department of Community Affairs to determine the consistency of this ordinance with the Florida Statutes.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the _____ day of _____, A.D., 2004.

Mayor Murray Nelson
Mayor Pro Tem David P. Rice
Commissioner Charles "Sonny" McCoy
Commissioner George Neugent
Commissioner Dixie Spehar


(SEAL)
Attest: DANNY L. KOLHAGE, Clerk

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By _____
Deputy Clerk

By _____
Mayor/Chairperson

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:


ROBERT N. WOLFE
CHIEF ASSISTANT COUNTY ATTORNEY
Date 4-5-04

Board of County Commissioners

Staff Report

MEMORANDUM

TO: Board of County Commissioners

FROM: K. Marlene Conaway, Dir. of Planning & Env. Resources *KMC*

DATE: March 30, 2004

SUBJECT: **AMENDMENT TO SEC. 9.5-21 (i) GRANTING AUTHORITY TO THE BOARD OF COUNTY COMMISSIONERS TO SET FEES BY RESOLUTION TO BE CHARGED FOR LAND DEVELOPMENT APPLICATIONS, PERMITS, APPROVALS, AND APPEALS, AND DELETING FROM THE LDRS THE DOLLAR AMOUNTS OF IMPACT FEES IN ARTICLE X AND FILING FEES IN 9.5-522 FOR MAP PETITIONS AND ADMINISTRATIVE APPEALS.**

I. Background:

The impact fees established in Sec. 9.5 491(a) Fair share transportation impact fee; Sec. 9.5-492 (c) Fair share community park impact fee; Sec. 9.5-493(c) Fair share library impact fee; Sec. 9.5-494(b) Fair share solid waste impact fee; and Sec. 9.5-495(b) Fair share police facilities impact fee were adopted by resolutions of the Monroe County Board of County Commissioners in 1989. These fees do not reflect the present day fees that were established by resolutions of the County Commission after studies were completed in 1992 and 1993. Some of the fees are less than the amounts in the LDRS and others are higher. Impact fees are required to reflect the cost of new development.

At the time that the newer impact fee schedules were adopted, the previous fees in the LDRS were not deleted. This deletion removes those older fees that are no longer applicable.

Sec.9.5-522. Filing fees for map petitions and administrative appeals were adopted by ordinance of the Board of County Commissioners in 1987 and became a part of the LDRS. A Resolution was passed by the Board in 1992 establishing a comprehensive set of planning fees. The 1992 fee for Appeals remained the same, \$250.00, while the fee for a Map Amendment was increased from \$250 to \$1,850. The filing fees were not removed from 9.5-522 when the new fees were adopted. These fees were again revised and adopted by Resolution of the Board of County Commissioners in 2003, to reflect the current costs (Map Amendment, \$3090 and Appeals, \$1,000. The fee changes in Resolution 211-2003 were made after a review of the increasing cost to the County of planning review and approval.

This proposed amendment, in Section 9.5-21, details the process whereby the Board of County Commissioners has the authority to increase planning fees by Resolution after a public hearing. The fees must be based on the Planning Director providing evidence to the Board of the cost incurred by Growth Management in staff time and material

expended. The Board has the fiscal responsibility for the County and this amendment codifies the process of changing fees without going through the long LDR amendment process including review by DCA.

This amendment was reviewed and recommended for approval by the DRC at its public meeting of January 15, 2004.

The Planning Commission after public hearings on January 29, 2004, February 11 and 25, 2004 voted three to two not to recommend approval of the proposed text change. The Planning Commission after taking testimony and discussing the issue determined that it was not appropriate to remove the fees from the Land Development Regulations and to have the fees adopted by Resolution of the Board. The majority of the Commission wanted the fees to continue to be adopted by Ordinance as an amendment to the Land Development Regulations after review and recommendation of the Planning Commission and the change reviewed by the DCA.

IV. STAFF RECOMMENDATION

The staff recommends **APPROVAL** of the proposed amendments to the Monroe County Board of County Commissioners.

Planning Commission
Resolution

#P05-04

Signed & Dated
March 24, 2004

PLANNING COMMISSION RESOLUTION #P05-04

AMENDMENT TO MONROE COUNTY LAND DEVELOPMENT REGULATIONS BY CREATING SEC. 9.5-21 (i) AUTHORIZING MONROE COUNTY BOARD OF COUNTY COMMISSIONERS TO ESTABLISH BY RESOLUTION, FEES TO BE CHARGED BY THE MONROE COUNTY GROWTH MANAGEMENT DIVISION FOR LAND DEVELOPMENT APPLICATIONS, PERMITS, APPROVALS, AND APPEALS, DELETING SEC. 9.5-491(a) FAIR SHARE TRANSPORTATION IMPACT FEE; SEC. 9.5-492 (c) FAIR SHARE COMMUNITY PARK IMPACT FEE; SEC. 9.5-493(c) FAIR SHARE LIBRARY IMPACT FEE; SEC. 9.5-494(b) FAIR SHARE SOLID WASTE IMPACT FEE; SEC. 9.5-495(b) FAIR SHARE POLICE FACILITIES IMPACT FEE; AND SEC. 9.5-522 FILING FEES FOR MAP PETITIONS AND ADMINISTRATIVE APPEALS WHICH DO NOT REFLECT THE PRESENT IMPACT FEES AND FILING FEES ADOPTED BY MORE RECENT RESOLUTIONS OF THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS.

WHEREAS, The impact fees established in Sec. 9.5-491(a) Fair share transportation impact fee; Sec. 9.5-492 (c) Fair share community park impact fee; Sec. 9.5-493(c) Fair share library impact fee; Sec. 9.5-494(b) Fair share solid waste impact fee; and Sec. 9.5-495(b) Fair share police facilities impact fee.; and

WHEREAS, these fees do not reflect the fees that were established by resolutions of the Monroe County Board of County Commissioners in 1989, 1992 and 1993; and

WHEREAS, at the time that the newer impact fee schedules were established, the previous fees were inadvertently not deleted; and

WHEREAS, this deletion removes those older fees that are no longer collected; and

WHEREAS, Sec.9.5-522. Filing fees for map petitions and administrative appeals were adopted by ordinance of the Board of County Commissioners in 1987; and

WHEREAS, These fees were revised and adopted by resolution of the Board of County Commissioners in 2003; and

WHEREAS, the Sec. 9.5-522 was inadvertently not deleted; and

WHEREAS, the Planning Commission finds that it is not appropriate to remove the fees from the Land Development Regulations and to have the fees adopted by a resolution of the Board of County Commissioners; and

WHEREAS, the Planning Commission finds that fees should continue to be adopted by ordinance as an amendment to the Land Development Regulations after review by the Planning Commission; and

WHEREAS, the proposed text change was reviewed at Planning Commission public hearings on January 28, 2004, February 11 and 25, 2004 and the Planning Commission voted not to recommend the proposed amendment for approval to the Board of County Commissioners;

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA, that the preceding findings of fact support their decision not to recommend to the Monroe County Board of County Commissioners the following amendments to the text of the Monroe County Land Development Regulations as requested by the Monroe County Planning Department:

PROPOSED TEXT AMENDMENT

~~Strike through text is deleted.~~ Underlined text is new.

Sec. 9.5-21. Board of County Commissioners

(i) To establish, by resolution, a schedule of fees to be charged by the Growth Management Division (GMD) to persons filing land development permit applications, land development approval applications, and land development order applications however styled, and any land development order appeal however styled. In establishing the fee amounts, the GMD Director shall present evidence to the Board of the cost incurred by the GMD in staff time, and material expended, that are usually required to review the particular item that is the subject of the proposed fee. The general administrative and operational overhead of the GMD may not be included in the fee amount. While mathematical exactitude is not required, no fee adopted by the Board pursuant to this subsection may be in excess of the amount reasonably supported by the evidence submitted by the GMD Director regarding the staff time incurred, and material expended, usually required for the review of the particular item that is the subject of the proposed fee. Any fee resolution considered by the Board pursuant to this subsection must be heard by the Board at a time certain public hearing with public notice provided in the same manner as the public notice required for the adoption of an ordinance under Sec. 125.66(2)(a), FS. At the public hearing, members of the public must be afforded an opportunity to comment on the proposed fees. The fees established shall generally be nonrefundable; provided, however, the Board may approve a refund of up to fifty (50) percent of the fee upon good cause shown by the applicant and a recommendation from the GMD Director that the refund will not result in GMD staff time costs or material costs already expended going unreimbursed.



Sec. 9.5-491. Fair share transportation impact fee.*

*Cross reference(s)--Motor vehicles and traffic, ch. 11; streets and highways, ch. 16.

Establishment of Fee Schedule: Any person who shall initiate any new land development activity generating traffic, except those preparing a traffic impact analysis pursuant to subsection (d) of this section, shall pay, prior to the issuance of a certificate of occupancy, a fair share transportation fee as established by the following schedule: resolution of the Board of County Commissioners. Any fee resolution considered by the Board pursuant to this subsection must be heard by the Board at a time certain public hearing with public notice provided in the same manner as the public notice required for the adoption of an ordinance under Sec. 125.66(2)(a), FS

Single-family	\$1,610.00
Multifamily	\$1,415.00
Mobile home	\$ 638.00
Hotel, per room	\$1,744.00
Motel, per room	\$1,744.00
Medical office, per 1,000 sq.ft	\$2,315.00
Banking, per 1,000 sq.ft	\$3,716.00
Other office, per 1,000 sq.ft	\$1,822.00
Warehouse, per 1,000 sq.ft	\$ 568.00
General industrial, per 1,000 sq.ft	\$ 594.00
Retail, per 1,000 sq.ft., under 50,000 sq.ft	\$1,235.00
Retail, per 1,000 sq.ft., 50,000 to 99,999 sq.ft	\$ 974.00
Retail, per 1,000 sq.ft., 100,000 to 249,999 sq.ft	\$1,874.00
Retail, per 1,000 sq.ft., 250,000 sq.ft. and over	\$1,357.00
Recreational, campground, per space	\$1,699.00
Marina, per berth	\$ 715.00
RV park, per space	\$1,732.00

Sec. 9.5-492. Fair share community park impact fee.*

*Cross reference(s)--Parks and recreation generally, ch. 13.5.

(c) Fair Share Park Fee To Be Imposed on New Residential Land Development Activity:

Payment of fair share fee prior to issuance of certificate of occupancy: Any person who shall receive a certificate of occupancy for any new residential land development activity that places an increased demand on the county's community park facilities shall pay a fair share park fee as follows: established by resolution of the Board of County Commissioners. Any fee resolution considered by the Board pursuant to this subsection must be heard by the Board at a time certain public hearing with public notice provided in the same manner as the public notice required for the adoption of an ordinance under Sec. 125.66(2)(a), FS

Land Use Type	Fee
Permanent residential unit	\$128.40
Transient residential unit	\$107.00

~~Sec. 9.5-493. Fair share library impact fee.*~~

*Cross reference(s)--Libraries, ch. 10.

(c) Fair Share Library Fee To Be Imposed on New Residential Land Development Activity:

(1) *Payment of fair share fee prior to issuance of certificate of occupancy:* Any person who shall receive a certificate of occupancy for any new residential land development activity that places an increased demand on the county's library facilities shall pay a fair share library fee as follows: established by resolution of the Board of County Commissioners. Any fee resolution considered by the Board pursuant to this subsection must be heard by the Board at a time certain public hearing with public notice provided in the same manner as the public notice required for the adoption of an ordinance under Sec. 125.66(2)(a), FS

Land Use Type	Fee
Residential unit	\$190.00

Sec. 9.5-494. Fair share solid waste impact fee.*

*Cross reference(s)--Garbage, trash and refuse, ch. 8.

Fee Schedule:

(1) Prior to the issuance of a certificate of occupancy, all land development, except for applicants who opt to make their own independent calculation, shall pay a fair share solid waste fee, as established by the following temporary fee schedule: resolution of the Board of County Commissioners. Any fee resolution considered by the Board pursuant to this subsection must be heard by the Board at a time certain public hearing with public notice provided in the same manner as the public notice required for the adoption of an ordinance under Sec. 125.66(2)(a), FS

Permanent residential unit, per unit	\$ 65.04
Transient residential unit, per unit	\$ 54.18
Marina, per berth	\$ 5.80
Medical, banking and other office, per 100 square feet	\$ 6.45
Warehouse/wholesale, per 100 square feet	\$ 12.00
Restaurant (including fast food), per 100 square feet	\$ 22.58
Supermarket/convenience store, per 100 square feet	\$ 58.05
Retail under 100,000 square feet, per 100 square feet	\$ 25.80
Retail over 100,00 square feet, per 100 square feet	\$ 32.25

This fee schedule shall be reviewed and revised by the board of county commissioners within six (6) months of the effective date of the plan based upon a study and recommendation by the director of planning.

Sec. 9.5-495. Fair share police facilities impact fee.

(b) Fair Share Police Facilities Fee To Be Imposed on New Residential Land Development Activity:

(1) Fee: Any person who shall initiate any new land development activity generating a need for police facilities except for those applicants who prepare a police facilities impact analysis pursuant to paragraph (2) of this subsection, shall pay, prior to the issuance of a certificate of occupancy, a fair share police facilities fee as established by the following temporary fee schedule: resolution of the Board of County Commissioners. Any fee resolution considered by the Board pursuant to this subsection must be heard by the Board at a time certain public hearing with public notice provided in the same manner as the public notice required for the adoption of an ordinance under Sec. 125.66(2)(a), FS

Permanent residential unit, per unit	\$102.38
Transient residential unit, per unit	\$ 85.32
Nonresidential per 1000 square feet	\$136.50

This fee schedule shall be reviewed and revised by the board of county commissioners within six (6) months of the effective date of the plan based upon a study and recommendation by the director of planning.

Sec. 9.5-522. Filing fees for map petitions and administrative appeals. Reserved.

~~The following filing fees are hereby established pursuant to this chapter:~~

- ~~(a) For any proposal by a landowner or person having a contractual interest in property desiring to petition the board of county commissioners for an amendment to the land use district map . . . \$250.00~~
- ~~(b) Any person filing an appeal from an administrative interpretation or decision by any administrative official with respect to the provisions of this chapter and/or the comprehensive land use plan . . . 250.00~~

~~(Ord. No. 22-1987, § 1)~~

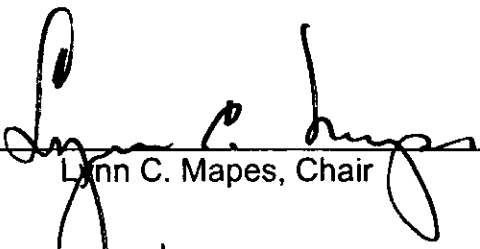
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NOW THEREFORE, the Planning Commission of Monroe County, Florida failed to approve the motion to amendment to the Monroe County Land Development Regulation on February 25, 2004, votes being as follows:

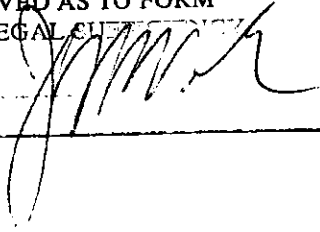
Lynn C. Mapes, Chair
Denise Werling, Vice Chair
Julio Margalli, Commissioner
David C. Ritz, Commissioner
James D. Cameron, Commissioner

YES
NO
NO
YES
NO

PLANNING COMMISSION OF MONROE COUNTY, FLORIDA

By 
Lynn C. Mapes, Chair

Signed this 24TH day of March, 2004.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY 

Development Review
Committee Resolution

#D03-04

Signed and Dated
January 15, 2004

DEVELOPMENT REVIEW COMMITTEE RESOLUTION #D03-04

AMENDMENT TO MONROE COUNTY LAND DEVELOPMENT REGULATIONS BY CREATING SEC. 9.5-21 (i) AUTHORIZING MONROE COUNTY BOARD OF COUNTY COMMISSIONERS TO ESTABLISH BY RESOLUTION, FEES TO BE CHARGED BY THE MONROE COUNTY GROWTH MANAGEMENT DIVISION FOR LAND DEVELOPMENT APPLICATIONS, PERMITS, APPROVALS, AND APPEALS, DELETING SEC. 9.5 491(a) FAIR SHARE TRANSPORTATION IMPACT FEE; SEC. 9.5-492 (c) FAIR SHARE COMMUNITY PARK IMPACT FEE; SEC. 9.5-493(c) FAIR SHARE LIBRARY IMPACT FEE; SEC. 9.5-494(b) FAIR SHARE SOLID WASTE IMPACT FEE; SEC. 9.5-495(b) FAIR SHARE POLICE FACILITIES IMPACT FEE; AND SEC. 9.5-522 FILING FEES FOR MAP PETITIONS AND ADMINISTRATIVE APPEALS WHICH DO NOT REFLECT THE PRESENT IMPACT FEES AND FILING FEES ADOPTED BY MORE RECENT RESOLUTIONS OF THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS.

WHEREAS, The impact fees established in Sec. 9.5 491(a) Fair share transportation impact fee; Sec. 9.5-492 (c) Fair share community park impact fee; Sec. 9.5-493(c) Fair share library impact fee; Sec. 9.5-494(b) Fair share solid waste impact fee; and Sec. 9.5-495(b) Fair share police facilities impact fee were adopted by resolutions of the Monroe County Board of County Commissioners in 1989; and

WHEREAS, these fees do not reflect the present day fees that were established by more recent 1992 and 1993 resolutions of the County Commission; and

WHEREAS, at the time that the newer impact fee schedules were established, the previous fees were inadvertently not deleted; and

WHEREAS, this deletion removes those older fees that are no longer applicable; and

WHEREAS, Sec.9.5-522. Filing fees for map petitions and administrative appeals were adopted by ordinance of the Board of County Commissioners in 1987; and

WHEREAS, These fees were revised and adopted by resolution of the Board of County Commissioners in 2003; and

WHEREAS, the Sec. 9.5-522 was inadvertently not deleted; and

WHEREAS, staff finds that the proposed change is consistent with Section 9.5-511(d)(5) b. (iv) New Issues and (V) Recognition of a need for additional detail or comprehensiveness; and

WHEREAS, staff finds that the proposed change is consistent with the goals of the Monroe County Year 2010 Comprehensive Plan; and

WHEREAS, the proposed text change was reviewed and **APPROVED** at the DRC public meeting of January 15, 2004;

NOW THEREFORE, BE IT RESOLVED BY THE DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY, FLORIDA, that the preceding findings of fact support their decision to recommend **APPROVAL** to the Monroe County Planning Commission of the following amendments to the text of the Monroe County Land Development Regulations as requested by the Monroe County Planning Department:

~~Strike through text~~ is deleted.

Underlined text is new.

Sec. 9.5-21. Board of County Commissioners

(i) To establish, by resolution, a schedule of fees to be charged by the Growth Management Division (GMD) to persons filing land development permit applications, land development approval applications, and land development order applications however styled, and any land development order appeal however styled. In establishing the fee amounts, the GMD Director shall present evidence to the Board of the cost incurred by the GMD in staff time, and material expended, that are usually required to review the particular item that is the subject of the proposed fee. The general administrative and operational overhead of the GMD may not be included in the fee amount. While mathematical exactitude is not required, no fee adopted by the Board pursuant to this subsection may be in excess of the amount reasonably supported by the evidence submitted by the GMD Director regarding the staff time incurred, and material expended, usually required for the review of the particular item that is the subject of the proposed fee. Any fee resolution considered by the Board pursuant to this subsection must be heard by the Board at a time certain public hearing with public notice provided in the same manner as the public notice required for the adoption of an ordinance under Sec. 125.66(2)(a), FS. At the public hearing, members of the public must be afforded an opportunity to comment on the proposed fees. The fees established shall generally be nonrefundable; provided, however, the Board may approve a refund of up to fifty (50) percent of the fee upon good cause shown by the applicant and a recommendation from the GMD Director that the refund will not result in GMD staff time costs or material costs already expended going unreimbursed.

Sec. 9.5-491. Fair share transportation impact fee.*

*Cross reference(s)--Motor vehicles and traffic, ch. 11; streets and highways, ch. 16.

Establishment of Fee Schedule: Any person who shall initiate any new land development activity generating traffic, except those preparing a traffic impact analysis pursuant to subsection (d) of this section, shall pay, prior to the issuance of a certificate of occupancy, a fair share transportation fee as established by the following schedule: resolution of the Board of County Commissioners.

Single family	\$1,610.00
Multifamily	\$1,415.00
Mobile home	\$ 638.00
Hotel, per room	\$1,744.00
Motel, per room	\$1,744.00
Medical office, per 1,000 sq.ft	\$2,315.00
Banking, per 1,000 sq.ft	\$3,716.00
Other office, per 1,000 sq.ft	\$1,822.00
Warehouse, per 1,000 sq.ft	\$ 568.00
General industrial, per 1,000 sq.ft	\$ 594.00
Retail, per 1,000 sq.ft., under 50,000 sq.ft	\$1,235.00
Retail, per 1,000 sq.ft., 50,000 to 99,999 sq.ft	\$ 974.00
Retail, per 1,000 sq.ft., 100,000 to 249,999 sq.ft	\$1,874.00
Retail, per 1,000 sq.ft., 250,000 sq.ft. and over	\$1,357.00
Recreational, campground, per space	\$1,699.00
Marina, per berth	\$ 715.00
RV park, per space	\$1,732.00

Sec. 9.5-492. Fair share community park impact fee.*

*Cross reference(s)--Parks and recreation generally, ch. 13.5.

(c) Fair Share Park Fee To Be Imposed on New Residential Land Development Activity:

Payment of fair share fee prior to issuance of certificate of occupancy: Any person who shall receive a certificate of occupancy for any new residential land development activity that places an increased demand on the county's community park facilities shall pay a fair share park fee as follows: established by resolution of the Board of County Commissioners.

Land Use Type	Fee
Permanent residential unit	\$128.40
Transient residential unit	107.00

~~Sec. 9.5-493. Fair share library impact fee.*~~

*Cross reference(s)--Libraries, ch. 10.

(c) Fair Share Library Fee To Be Imposed on New Residential Land Development Activity:

(1) *Payment of fair share fee prior to issuance of certificate of occupancy:* Any person who shall receive a certificate of occupancy for any new residential land development activity that places an increased demand on the county's library facilities shall pay a fair share library fee as follows: established by resolution of the Board of County Commissioners.

<i>Land Use Type</i>	<i>Fee</i>
Residential unit . . .	\$190.00

Sec. 9.5-494. Fair share solid waste impact fee.*

*Cross reference(s)--Garbage, trash and refuse, ch. 8.

Fee Schedule:

(1) Prior to the issuance of a certificate of occupancy, all land development, except for applicants who opt to make their own independent calculation, shall pay a fair share solid waste fee, as established by ~~the following temporary fee schedule:~~ resolution of the Board of County Commissioners.

Permanent residential unit, per unit	\$65.04
Transient residential unit, per unit	54.18
Marina, per berth	25.80
Medical, banking and other office, per 100 square feet	6.45
Warehouse/wholesale, per 100 square feet	12.00
Restaurant (including fast food), per 100 square feet	22.58
Supermarket/convenience store, per 100 square feet	58.05
Retail under 100,000 square feet, per 100 square feet	25.80
Retail over 100,00 square feet, per 100 square feet	32.25

~~This fee schedule shall be reviewed and revised by the board of county commissioners within six (6) months of the effective date of the plan based upon a study and recommendation by the director of planning.~~

Sec. 9.5-495. Fair share police facilities impact fee.

(b) Fair Share Police Facilities Fee To Be Imposed on New Residential Land Development Activity:

(1) Fee: Any person who shall initiate any new land development activity generating a need for police facilities except for those applicants who prepare a police facilities impact analysis pursuant to paragraph (2) of this subsection, shall pay, prior to the issuance of a certificate of occupancy, a fair share police facilities fee as established by the following temporary fee schedule: resolution of the Board of County Commissioners.

Permanent residential unit, per unit	\$102.38
Transient residential unit, per unit	85.32
Nonresidential, per 1000 square feet	136.50

~~This fee schedule shall be reviewed and revised by the board of county commissioners within six (6) months of the effective date of the plan based upon a study and recommendation by the director of planning.~~

Sec. 9.5-522. Filing fees for map petitions and administrative appeals.
Reserved.

~~The following filing fees are hereby established pursuant to this chapter:~~

~~(a) For any proposal by a landowner or person having a contractual interest in property desiring to petition the board of county commissioners for an amendment to the land use district map . . . \$250.00~~

~~(b) Any person filing an appeal from an administrative interpretation or decision by any administrative official with respect to the provisions of this chapter and/or the comprehensive land use plan . . . 250.00~~

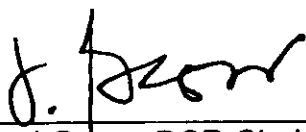
~~(Ord. No. 22-1987, § 1)~~

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PASSED AND ADOPTED By the Development Review Committee of Monroe County, Florida at a regular meeting held on the 15th day of January, 2004.

Fred Gross, Director, Lower Keys Planning Team (Chair)	<u>YES</u>
Aref Joulani, Development Review and Design Senior Administrator	<u>YES</u>
Ralph Gouldy, Environmental Resources Senior Administrator	<u>YES</u>
Department of Health (by fax)	<u>YES</u>
Department of Public Works (by fax)	<u>YES</u>
Department of Engineering (by fax)	<u>YES</u>

DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY, FLORIDA

By 
Fred Gross, DCR Chair

Signed this 15th day of January, 2004